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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,966	04/14/2000	Randolph Michael Forlenza	AUS000072US1	9041

7590

11/18/2003

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,966

Applicant(s)

FORLENZA ET AL.

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,13,14,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,13,14,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant amended claims 6, 13 and 20 in the amendment, paper No. 7, received on 05/28/2003. The Request For Reconsideration, paper No. 9, filed on 10/21/2003 has been reviewed. Examiner agrees with applicant that Duncan, as the main reference in the Final Action, paper No. 8, does not teach the step of distributing content label categories and user restrictions, and further setting access control, for at least two communication programs within the data processing system that employ different communication protocols. Therefore, the former Final Action is withdrawn and replaced by the new finality as specifying below.

The purpose of cited references in this action, Internet Explorer 4 for Windows for Dummies, HTTP and Internet Relay Chat Protocol, is to prove the priority date of Internet Explorer 4 and Recreational Software Advisory Council (RSAC).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

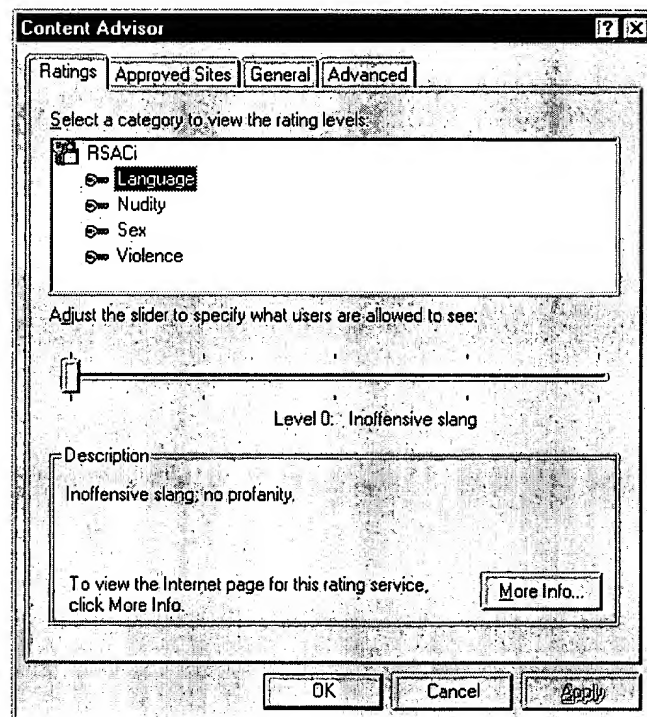
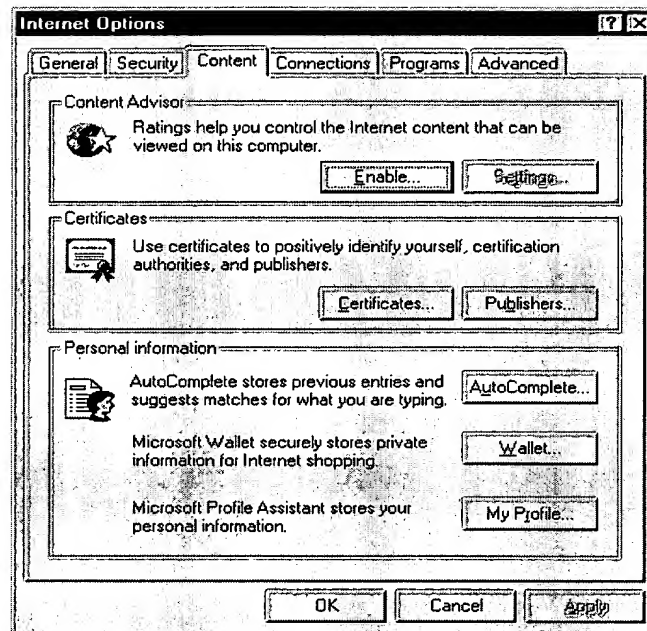
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 6-7, 13-14 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Internet Explorer 4.

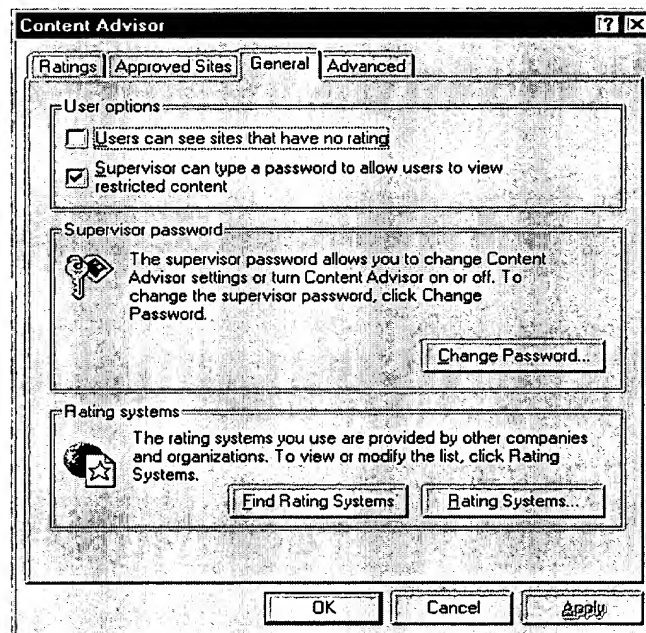
Regarding to claims 1, 13 and 20, Internet Explorer 4 is a client application that enables a user to view HTML documents on the WWW released before 1999 by Microsoft Corporation. One feature of Internet Explorer 4 in combined with Recreational Software Advisory Council (RSAC) is Content Advisor that empowers the public, especially parents, to make informed decisions about electronic media by means of the open and objective labeling of content. To restrict access to a site, a parent could select Tools > Internet Options > Enable to set up Content Advisor.



As seen, there are four main categories, and RSACi labels the content of a web site based one of these four categories. The Content Advisor also enables a parent as a

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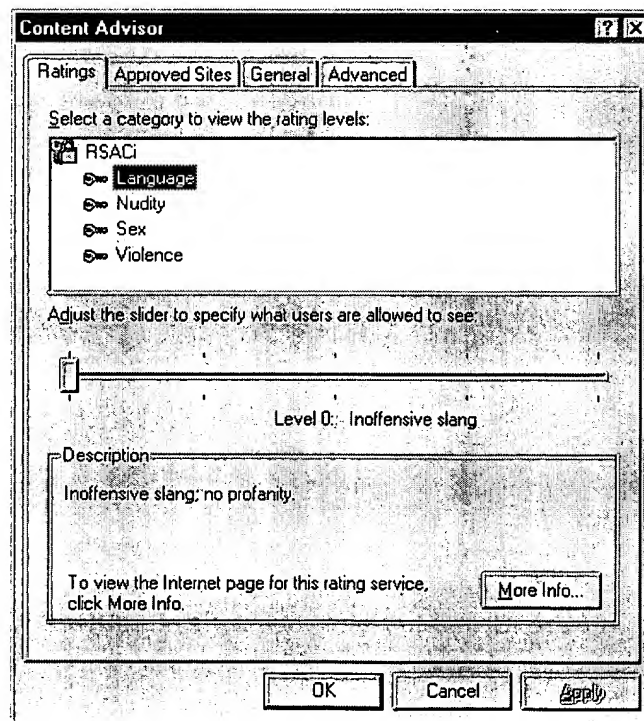
supervisor to create a password to consider whether or not to allow or disallow access to a RSACi labeled site. When a child accesses to a restricted site, a screen will pop up to ask for the password in order to grant access.



Internet Explorer 4, and a Chat application such as Microsoft Chat (part of the full installation of Internet Explorer 4) as *a plurality of communication programs* to surf and chat in the Internet will be installed in a conventional computer as *a data processing system*. By enabling the Content Advisor, content label categories that present a unique label identifying the type of content for each respective category of a plurality of categories defined by RSACi when surfing or chatting will be obtained by the processing system and distributed to the Internet Explorer 4 or Microsoft chat application respectively. If the accessed site is a restricted site either using Internet Explorer 4 or Microsoft chat application, a pop-up screen that prompts the password of the supervisor as associated user restriction defining at least one user's access privileges to each

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respective category of the plurality of categories as a function of the content label categories will be obtained in order to grant access to that site. In other words, the function of Content Advisor as discussed performs the claimed *obtaining content label categories at the data processing system that present a unique label identifying the type of content for each respective category of a plurality of categories, obtaining associated user restrictions at the data processing system defining at least one user's access privileges to each respective category of the plurality of categories as a function of the content label categories, and distributing the obtained content label categories and obtained associated user restrictions to each of a plurality of communications programs within the data processing system*. Access control to a particular category could be selected and specified by the slider with four levels as below:



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As seen, the slider allows a parent specifying the level of access either by using Internet Explorer 4 for browsing, or Microsoft chat for chatting. The level of access is 0-4, which corresponds to the label categories of RSACi and a parent's password. This performs the claimed *setting access controls for at least two of the communications programs within the data processing system as a function of the content label categories and associated user restrictions*. The missing in teaching of Internet Explorer 4 when establishing access control is the claimed *at least two of the communications programs employ different communication protocols*. However, as well known in the art, Internet Explorer 4 utilizes Hypertext Transfer Protocol to access information on the WWW, and Microsoft chat utilizes IRC protocol to communicate with other users in a chat room. Thus, the Internet Explorer 4 and a Microsoft chat imply *at least two of the communications programs employ different communication protocols*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the Internet Explorer 4 to set access control for two communication program with different protocols in order to restrict access to a site based on Internet Content Rating Association.

Regarding to claims 7, 14 and 21, Internet Explorer 4 does not have the claimed *during installation of a communication program subsequent to setting access controls for each communications program within the data processing system as a function of the content label categories and associated user restrictions, checking for existing access control settings for other communications programs and setting access controls for the communications program being installed utilizing the existing access control setting*. However, when a new

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Microsoft chat application version is installed, obviously, the new version is still under controlled of the existing access control settings. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Internet Explorer 4 by using the existing access control setting when a new version of chat program is installed in order to avoid the step of resetting the access control.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM Y VU can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Examiner Hung Pham
November 7, 2003


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100